**THE HON'BLE Ms. JUSTICE G.ROHINI**

**WRIT PETITION NO: 14804 of 2006**

Dated: 21-07-2006

Between:

Sri G.Yadaiah

**..... PETITIONER**

AND

The Deputy Commissioner of
Prohibition and Excise,
Mahaboobnagar District.

**.....RESPONDENT**

**THE HON'BLE Ms. JUSTICE G.ROHINI**

**WRIT PETITION NO: 14804 of 2006**

**O R D E R:**

The petitioner claims to be the owner of an auto bearing No.22 V 1583. On 05-10-2005 the said vehicle was intersected by the Prohibition and Excise Inspector, Nagarkurnool and having found 14 plastic pots and one plastic drum filled with toddy were being transported in the auto, the auto as well as the toddy were seized under panchanama. Thereafter, the proceedings of confiscation were initiated and pending said proceedings, on a request made by the petitioner the second respondent by order dated

13-12-2005 granted interim custody of the vehicle subject to the condition of furnishing FDR/bank guarantee for Rs.72,000/- apart from other conditions. Aggrieved by the same, the petitioner preferred an appeal before the first respondent. Though the first respondent modified some of the conditions, he declined to alter the condition with regard to furnishing of bank guarantee for a sum of Rs.72,000/-. Questioning the same, this writ petition is filed contending that the condition to furnish bank guarantee is onerous and unjustified.

Having heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents, I am unable to hold that the order under challenge suffers from any infirmity warranting interference by this Court. Hence, a writ of Mandamus as prayed for cannot be granted.

However, having regard to the fact that the vehicle was seized in the month of October, 2005 and enquiry is pending, I deem it appropriate to direct the second respondent to complete the enquiry as expeditiously as possible preferably within a period of two weeks from the date of receipt of a copy of this order following due process of law and to pass appropriate orders.

The writ petition is accordingly disposed of. No costs.

_____

**G. ROHINI, J**

Dated: 21-07-2006
KLP